



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,438	05/05/2004	Alexander Faylin	04630 (LC 0151 PUS)	3437
36014	7590	04/21/2006	EXAMINER LUU, THANH X	
JOHN A. ARTZ ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			ART UNIT 2878	PAPER NUMBER

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

61

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/709,438	FAYTLIN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Thanh X. Luu	2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 April 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 21-28 is/are pending in the application.
  - 4a) Of the above claim(s) 21-28 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This Office Action is in response to amendments and remarks filed April 5, 2006.

Claims 1-9 and 21-28 are currently pending.

Claims 21-28 remain withdrawn as being drawn to a nonelected species.

Examiner notes that different species may still exist although the claims are in dependent form. Claims 21-28 still read on Figs. 6 and 7 as set forth in the original election/restriction.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Skell et al. (U.S. Patent 5,491,333).

Regarding claims 1-6 and 9, Skell et al. disclose (see Fig. 7) a method of operating a system, comprising: generating a first oscillating signal (clock 46); generating at least one trigger signal (transmitter 10) having at least one duty cycle with a cycle start time (rising edge) and a cycle end time (falling edge); synchronizing (see Fig. 7) the cycle end time with a pulse end time of the first oscillating signal; and operating a light source (transmitter on) in response to the duty cycle. Skell et al. also disclose (see Fig. 7) operating a receiver (receiver 12) in response to the at least one duty cycle and wherein the light source and receiver are activated at the cycle start time

and deactivated at the cycle end time. A controller (see Fig. 9) generates the at least one trigger signal and synchronizes the signals as claimed. Skell et al. further disclose (see Fig. 7) generating a second oscillating signal (receiver 12) in response to the first oscillating signal; and synchronizing the cycle start time with a pulse start time of the second oscillating signal. Examiner has not given the language "of a vehicle" any patentable weight since such terms only exist in the preamble, is intended use and such structure does not act to limit a method claim since it does not affect the method steps in a manipulative sense. Examiner also has not given the language of "of the active night vision system" any patentable weight since such structure does not affect the method steps in a manipulative sense.

3. Claims 1, 4-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishida et al. (U.S. Patent 4,218,874).

Regarding claims 1, 4-6 and 9, Ishida et al. disclose (see Figs. 1 and 3) a method of operating a system, comprising: generating a first oscillating signal ( $Q_{05}$ ); generating at least one trigger signal ( $L_S$ ) having at least one duty cycle with a cycle start time (a rising edge) and a cycle end time (a falling edge); synchronizing (see Fig. 3) the cycle end time with a pulse end time of the first oscillating signal; and operating a light source (light 8) in response to the duty cycle. A controller (see Fig. 1) generates the at least one trigger signal and synchronizes the signals as claimed. Ishida et al. further disclose (see Fig. 3) generating a second oscillating signal ( $Q_{04}$ ) in response to the first oscillating signal; and synchronizing the cycle start time with a pulse start time of the second oscillating signal. Examiner has not given the language "of a vehicle" any

Art Unit: 2878

patentable weight since such terms only exist in the preamble and such structure does not act to limit a method claim since it does not affect the method steps in a manipulative sense. Examiner also has not given the language of "of the active night vision system" any patentable weight since such structure does not affect the method steps in a manipulative sense.

4. Claims 1 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent 4,510,556).

Regarding claims 1 and 4-9, Johnson discloses (see Figs. 2 and 3) a method of operating a system, comprising: generating a first oscillating signal (short-duty-cycle clock signal); generating at least one trigger signal (control signal for upper lamp 18) having at least one duty cycle with a cycle start time (a rising edge) and a cycle end time (a falling edge); synchronizing (see Fig. 3) the cycle end time with a pulse end time of the first oscillating signal; and operating a light source (light 18) in response to the duty cycle. A controller (see Fig. 1) generates the at least one trigger signal and synchronizes the signals as claimed. Johnson further discloses (see Fig. 3) generating a second oscillating signal (shift register output) in response to the first oscillating signal; and synchronizing the cycle start time with a pulse start time of the second oscillating signal. In addition, Johnson discloses (see Fig. 3) synchronizing the cycle start time with a pulse end time of the first oscillating signal. Examiner has not given the language "of a vehicle" any patentable weight since such terms only exist in the preamble and such structure does not act to limit a method claim since it does not affect the method steps in a manipulative sense. Examiner also has not given the language of

Art Unit: 2878

"of the active night vision system" any patentable weight since such structure does not affect the method steps in a manipulative sense.

***Response to Arguments***

5. Applicant's arguments filed April 5, 2006 have been fully considered but they are not persuasive.

Applicant asserts that the prior art does not teach a method of operating a light source of an active night vision system of a vehicle. However, as Examiner has stated above, such structural language fails to limit a method claim composed of method steps. As understood, since the structural language fails to affect the method steps in a manipulative sense, such language has no patentable weight.

Thus, as set forth above, this rejection is proper.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is 571-272-2441. The examiner can normally be reached on M-F 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thanh X Luu  
Primary Examiner  
Art Unit 2878

04/2006